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9 ATTORNEYS FOR PLAINTIFF

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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

14 EQUAL EMPLOYMENT OPPORTUNITY
15 COMMISSION

16 Plaintiff,

17 v.

18 FRY'S ELECTRONICS, INC.

19 Defendant.
20
21

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

22 NATURE OF THE ACTION
23

24 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
25 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of

COMPLAINT- Page 1 of 6

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
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1 retaliation and sex and to provide appropriate relief to Ka Lam ("Mr. Lam") and America
2 Rios ("Ms. Rios") who were adversely affected by such practices. The Equal
3 Employment Opportunity Commission ("EEOC") alleges that defendant, Fry's
4 Electronics, Inc. ("Fry's Electronics") retaliated against Ka Lam by terminating him
5 because he had engaged in protected activity under Title VII when he opposed
6 discrimination against Rios. The EEOC further alleges that Fry's Electronics subjected
7 Ms. Rios to a hostile work environment because of sex. Plaintiff seeks monetary and
8 injunctive relief, including pecuniary and nonpecuniary compensatory and punitive
9 damages on behalf of Lam and Rios.
10

11 JURISDICTION AND VENUE

12 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
13 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections
14 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
15 sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of
16 1991, 42 U.S.C. §1981a.
17

18 2. The employment practices alleged to be unlawful were committed within
19 the jurisdiction of the United States District Court for the Western District of Washington
20 at Seattle.
21

22 PARTIES

23 3. Plaintiff, the Equal Employment Opportunity Commission is the agency of
24 the United States of America charged with the administration, interpretation and
25

1 enforcement of Title VII, and is expressly authorized to bring this action by Section
2 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

3 4. At all relevant times, defendant Fry's Electronics has been a corporation
4 continuously doing business in the State of Washington and has continuously had at
5 least 15 employees.

6 5. At all relevant times, defendant Fry's Electronics has continuously been an
7 employer engaged in an industry affecting commerce within the meaning of Sections
8 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).
9

10 STATEMENT OF CLAIMS

11 6. More than thirty days prior to the institution of this lawsuit, charging party
12 Lam filed a charge with the Commission alleging violations of Title VII by defendant
13 Fry's Electronics. All conditions precedent to the institution of this lawsuit have been
14 fulfilled as to claims alleging violations of Title VII as to Mr. Lam. All conditions
15 precedent to the institution of this lawsuit have been fulfilled as to claims alleging
16 violations of Title VII as to Ms. Rios because they are like or related to claims alleging
17 violations of Title VII as to Mr. Lam.
18

19 7. From at least January 2007 until May 2007, defendant Fry's Electronics
20 has engaged in unlawful employment practices at its Renton, Washington store in
21 violation of § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). The practices include
22 subjecting Ms. Rios to a hostile work environment because of sex.
23
24
25

13. The unlawful employment practices complained of in paragraph 7-10 above were done with malice or with reckless indifference to the federally protected rights of the charging parties.

Wherefore, the Commission respectfully requests that this Court:

1 The Commission requests a jury trial on all questions of fact raised by its
2 complaint.

3
4
5 DATED this 29th day of September, 2010.
6

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